REMARKS

This paper is responsive to the Office Action dated November 16, 2007. All rejections and objections of the Examiner are respectfully traversed. Reconsideration of all pending claims is respectfully requested.

The amendments to the claims herein clarify and more precisely set forth the present invention. Support for the present amendments is found throughout the Specification as originally filed. For example, support for the present claim amendments is found beginning at line 20 on page 12, through line 7 on page 15 of the Specification. The Personal Area Network (PAN) 330 is also shown in Fig. 3. No new matter has been added.

At paragraphs 7-10 of the Office Action, the Examiner rejected claims 45-68 under 35 U.S.C. 101, citing sections of the Specification relating to the term "computer readable medium". Amendments to the Specification herein are respectfully believed to meet all requirements of the Examiner in this regard.

Claims 1-16, 17-34, 37-40, 42-68, and 71-75 stand rejected under 35 U.S.C. 102(b) based on U.S. patent 5,872,834 of Teitelbaum ("Teitelbaum"). Applicants respectfully traverse this rejection.

Teitelbaum discloses a telephone provided with a biometric input sensor for receiving a biometric input and providing a signal depending on biometric input to the telephone network. The signal provided by the Teitelbaum telephone may identify an individual using the telephone. When used in conjunction with a public phone system, the Teitelbaum telephone provides identification for billing, access privileges, and follow me call routing.

Nowhere in Teitelbaum is there disclosed or suggested any system or method for providing a personalized service in a communication system that includes:

> detecting physical presence of a user, wherein the detecting includes a determination, based on automatic detection of at least one physical attribute of the user's body directly from the user's body, that the user is currently in close physical proximity to the communication system;
>
> ***creating, responsive to the detection of the physical presence of the user, a personal area network for the user including a plurality of devices identified within a personal area of the user***; and
>
> providing the personalized service to the user within the personal area network based upon the physical presence of the user. (emphasis added)

as in the present independent claim 1. Analogous features are also found in independent claims 21, 45 and 71. In contrast, Teitelbaum describes a telephone that identifies a user in response to a biometric input for purposes that include obtaining information of a personal or confidential nature, such as for use with software agents operating across a *telephone network*. Specifically, beginning at line 58 of column 9, Teitelbaum discusses how a telephone with an LCD can be used in this regard, concluding as follows in lines 3-9 of column 10:

> . . . Therefore, a user who, for instance, forgot to buy flowers for an upcoming anniversary, can set requirements at any LCD display phone--in a hotel lobby, at a payphone, at the office, etc. and have billing, address and other previously stored personal information available as if the user were at their own LCD display phone. This greatly expands the usefulness and ease of use for personal agents ***across public (or private) telephone networks***. (emphasis added)

Thus Teitelbaum includes a disclosure of how personal agents can be used over pre-existing telephone networks when a telephone is equipped with the appropriate LCD. However, Teitelbaum includes no hint or suggestion of even the desirability of creating, responsive to the detection of the physical presence of a user, a personal area network for the user including a plurality of devices identified within a personal area of the user, as in the present independent claims.

For the above reasons, Applicants respectfully urge that Teitelbaum does not disclose or suggest all the features of the present invention as set forth in independent claims 1, 21, 45 and 71. Accordingly, Teitelbaum does not anticipate the present independent claims 1, 21, 45 and 71 under 35 U.S.C. 102. As to the dependent claims rejected for anticipation based on Teitelbaum, they each depend from independent claims 1, 21, 45 and 71, and are believed to be patentable over Teitelbaum for at least the same reasons.

Claims 17, 35, 36, and 41 stand rejected for obviousness under 35 U.S.C. 103(a), based on the combination of Teitelbaum and U.S. patent number 5,493,692 of Theimer et al. ("Theimer et al."). Applicants respectfully traverse this rejection.

Theimer et al. disclose a method for selectively delivering electronic messages to an identified user or users in a system of mobile and fixed devices based on the context of the system and the environment of an identified user. Theimer et al. specifically disclose a system in which a User Agent starts up by locating and reading the User Profile and user calendar information of an identified user.

The disclosures of Teitelbaum are discussed above with regard to the rejections under 35 U.S.C. 102.

As set forth above, Teitelbaum does not disclose or suggest the limitation of creating, responsive to the detection of the physical presence of a user, a personal area network for the user including a plurality of devices identified within a personal area of the user, as in the present independent claims. The combination of Theimer et al. with Teitelbaum does not remedy this shortcoming, as Theimer et al. is primarily concerned with selective electronic message delivery when wireless networks provide mobile connectivity, such as through a cellular telephone network. See lines 30-47 in column 3 of Theimer et al. See also network 12 in Fig. 1 of Theimer

et al., which is described as a "backbone" across the entire office environment 10. By teaching such a "ubiquitous computing" system based on the backbone network 12, Theimer et al. teach away from creating a network among devices identified within a personal area of a user, as in the present independent claims.

For the above reasons, Applicant respectfully urge that the combination of Teitelbaum and Theimer et al. does not disclose or suggest all the features of the present invention as set forth in independent claims 1, 21 and 45, from which claims 17, 35, 36 and 41 depend. Accordingly, the combination of Teitelbaum and Theimer et al. does not support a *prima facie* case of obviousness under 35 U.S.C. 103 with regard to claims 1, 21 and 45. Claims 17, 35, 36, and 41 are respectfully believed to be patentable over the combination of Teitelbaum and Theimer et al. for at least the same reasons.

Applicants note that newly added claims 76 and 77 also include the features set forth above as patentably distinct over the cited references with regard to the rejections under 35 U.S.C. 102 and 35 U.SC. 103 of the previously pending claims.

Applicants respectfully request that the rejections in the Office Action be withdrawn.

Applicants have made a diligent effort to place the application in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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